IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 465 OF 1998
IN
Summary SUIT NO. 1312 OF 1996

Union Bank of India . .... Plaintiff
vs.
M/s. Ritwik Steels ... Defendant

H. Toor i/b. N. I. Bakul for Plaintiff
G. B. Kedia for defendant

CORAM: S. U. KAMDAR J.

Date: 28/9/2005

P.C.

The present suit is filed on the Bill of Exchange at Exhibit "A" to the plaint. The total claim in the present suit is Rs. 4,77,209/- . The principal amount is Rs.3,75,100/- . Learned advocate for the defendant has raised the defence that in the course of the proceedings before the DRT the suit bill of exchange was the subject matter of decree and that the Plaintiff has already received the amount in respect thereof. Learned advocate for the Plaintiff on instructions states that they have not received any money from the drawer in respect the said bill of exchange. In that view of the matter the mere statement of the learned advocate for the defendant cannot be accepted. The defendants are granted leave on condition of their depositing the

principal amount Rs.3,75,100/- within four weeks from today.

It is made clear that if the defendant come across any evidence to show that the Plaintiffs have received the amount in respect of the said bill of exchange they will be at liberty to withdraw the said sum so deposited.

Suit transferred to the list of Commercial causes. Written statement or points of defence to be filed four weeks from the date of deposit. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

(S. U. KAMDAR J.)

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